



CITY OF AUBURN

Community Development Department

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August 22, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Received & Inspected

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FCC Mail Room

**RE: RESPONSE TO COMMENTS OF PCIA (WC DOCKET NO. 11-59)
(EXHIBIT B – SECTION V – PROBLEMATIC CONSULTANTS)**

Dear Commission:

On behalf of the City of Auburn, please accept this correspondence in response to comments submitted by PCIA regarding the FCC's Notice of Inquiry (WC Docket No. 11-59).

Specifically, I would like to take this opportunity to dispute certain allegations stated by the PCIA whereby the City of Auburn has been listed as a city that hired consultants that are abusive in their telecommunications related demands as stated:

“Wireless consultants are the source of many of the barriers and prohibitive costs associated with the deployment of wireless facilities. It is common practice for these consultants to charge excessive application fees, impose superfluous application requirements (including proof of need), require discretionary review for collocations, and delay the application and review process. Jurisdictions that retain consultants identified by the wireless infrastructure industry as obstructionists and problematic include.....California, Auburn, City of (Page 11 of Exhibit B” – **attached herewith**)

For the record, I would like to respond to each of the PCIA allegations noted above to clearly demonstrate the erroneous conclusions reached by PCIA in identifying the City of Auburn. Below is a recital of the PCIA accusations noted above and a brief citing of facts relating to the City of Auburn's cellular wireless permitting processes:

1. **“Wireless consultants are the source of many of the barriers and prohibitive costs associated with the deployment of wireless facilities”.**

The claims stating that the City has retained wireless consultants are incorrect. The City of Auburn has approved several new wireless facilities, as well as collocations; all without retaining an outside consultant to process said applications. All applications were processed

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by City staff in a timely manner in accordance with the Permit Streamlining Act, California Environmental Quality Act and FCC Shot Clock time periods.

2. **“It is common practice for these consultants to charge excessive application fees, impose superfluous application requirements (including proof of need), require discretionary review for collocations, and delay the application and review process.”**

a. **“...charge excessive application fees”** – In accordance with State law, the fees charged by the City of Auburn are the minimum necessary to recoup the costs of providing the services rendered.

In review of the applications processed during the last six years, costs for discretionary review had varied between \$600 for projects that were exempt from environmental review and \$2,000 for projects that required environmental review in accordance with the California Environmental Quality Act (CEQA) (State of California Public Resources Code §21000).

Co-locations, which are processed administratively through the City’s building department, have ranged from \$150.00 to \$800.00 dependent upon the scope of work.

As you will find, Discretionary and Administrative application fees in the City of Auburn are relatively low compared with other jurisdictions.

b. **“...impose superfluous application requirements”** – Cellular facilities are permitted in all zones in the City; however, variance applications are required for cellular facilities exceeding the height in the respective zone. Dependent upon the height, location and surroundings, the City may require a Search Ring, RF Analysis and Photo-simulations. These application materials are required primarily to ensure compliance with CEQA.

c. **“...require discretionary review for co-locations”** – Contrary to the PCIA allegations, the City does not require discretionary review for co-locations. Co-locations are processed administratively through the City’s building permit processes. Review timeframes for planning & building review of wireless cellular collocations have been completed in accordance with the FCC Shot Clock timeframes.

d. **“...delay the application and review process”** – If the height of the proposed wireless facility exceeds the maximum height permitted in the respective zone, discretionary review is required. In review of the discretionary applications processed since 2005, all of the applications have been processed within the time frames prescribed by the Permit Streamlining Act, California Environmental Quality Act and FCC Shot Clock.

The latest wireless cellular tower (Borland Avenue Monopine) that was processed by the City, within the FCC Shot Clock timeframes, did have numerous delays as a result of lack of follow through by the applicant. The applicant neglected to acquire a building permit within the prescribed discretionary permit timeframe and as a result, the discretionary entitlement was required to be extended prior to its expiration.

The extension application was processed and approved by the Planning Commission within one (1) month of receipt of the request and was subsequently appealed to the City Council.

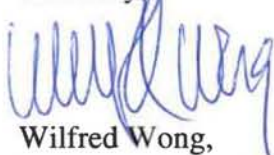
At the request of the applicant (AT&T), several publically noticed City Council meetings were repeatedly continued thereby further delaying a decision on the project.

Ultimately, the additional delays and expense could have been avoided, if the applicant had acted diligently and acquired a building permit within the prescribed entitlement timeframe. By not acquiring a building permit in a timely manner, the applicant subjected themselves to additional public hearings that would have otherwise been unnecessary.

In conclusion, contrary to the allegations stated by PCIA, it is the City's position, that statements made by PCIA are without factual basis. It is further the City's position that the City has acted expeditious in the processing of wireless cellular facility applications, while concurrently protecting the public interest. As the City records indicate, all discretionary permit applications, as well as collocations, have been processed in a timely manner; exceeding the timeframes prescribed by the Permit Streamlining Act; California Environmental Quality Act; and FCC "Shot Clock".

I thank you for consideration of the City's comments regarding this matter. If you have any questions regarding the City's processing requirements, please contact me at (530) 823-4211, extension 133 or wwong@auburn.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wilfred Wong', is written over a horizontal line.

Wilfred Wong,
Community Development Director

Attachment: PCIA Comments – Exhibit B, Section V – Problematic Consultants

Cc: Bob Richardson, City Manager
Michael Colantuono, City Attorney

V. Problematic Consultants

Wireless consultants are the source of many of the barriers and prohibitive costs associated with the deployment of wireless facilities. It is common practice for these consultants to charge excessive application fees, impose superfluous application requirements (including proof of need), require discretionary review for collocations, and delay the application and review process. Jurisdictions that retain consultants identified by the wireless infrastructure industry as obstructionists and problematic include:

<u>State</u>	<u>Jurisdiction</u>
Alabama	Ardmore, City of
Alabama	Athens, City of
Alabama	Brundidge, Town of
Alabama	Camden, City of
Alabama	Decatur, City of
Alabama	Gulf Shores, City
Alabama	Hartselle, City of
Alabama	Hueytown, City of
Alabama	Killen, City of
Alabama	Madison, City
Alabama	Muscle Shoals, City
Alabama	Opelika, City
Alabama	Orange Beach
Alabama	Pelham, City of
Alabama	Rogersville, City of
Alabama	Sheffield
Alabama	Selma, City
Alabama	Talladega, City
Alabama	Trinity (Morgan County)
Alabama	Tuscumbia, City of
Alaska	Matanuska-Susitna, Borough of
Arizona	Apache County
Arizona	Paradise Valley, City of
Arizona	Scottsdale, City of
Arizona	Yavapai County
Arizona	Yuma City
California	Amador County

California	American Canyon, City of
California	Auburn, City of
California	Belvedere, City of
California	Benicia, City of
California	Calabasas, City of
California	Calistoga, City of
California	Clearlake, City of
California	Cloverdale, City of
California	Colfax, City of
California	Corte Madera, City of
California	Cotati, City of
California	Daly City, City of
California	Dana Point, City of
California	Davis, City of
California	Fairfax, City of
California	Fairfield, City of
California	Fort Bragg, City of
California	Glendale, City of
California	Goleta, City of
California	Grass Valley, City of
California	Half Moon Bay, City of
California	Healdsburg, City of
California	Lake County
California	Lake Forest, City of
California	Lakeport, City of
California	Lincoln, City of
California	Loomis, City of
California	Marin County
California	Mendocino County